

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office. APR 30 1993
Returned to applicant for correction. MAY 17 1993
Corrected application filed JUL 01 1993
Map filed JUL 02 1993

The applicant RUBY SHADOWS RANCH c/o SAM WINSTON
900 W. ALAMEDA, of BURBANK,
Street and No. or P.O. Box No. City or Town
CALIFORNIA 91506, hereby make application for permission to appropriate the public
State and Zip Code No.

waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.)

1. The source of the proposed appropriation is Smith Creek
Name of stream, lake, spring, underground or other source

2. The amount of water applied for is 1.5 cfs second-feet
One second-foot equals 448.83 gals. per min.

(a) If stored in reservoir give number of acre-feet

3. The water to be used for fish habitat and wildlife purposes - non-consumptive
Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.

4. If use is for:

(a) Irrigation, state number of acres to be irrigated

(b) Stockwater, state number and kinds of animals to be watered

(c) Other use (describe fully under No. 12. "Remarks")

(d) Power:

(1) Horsepower developed

(2) Point of return of water to stream

5. The water is to be diverted from its source at the following point within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25,
Describe as being within a 40-acre subdivision of public

T30N, R56E, MDB&M, or at a point from which the SE Corner of said Section 25
survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.

bears S 15° 51' 37" E, 805.77 feet.

6. Place of use portions of SE $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, T30N, R56E, MDB&M.
Describe by legal subdivision. If on unsurveyed land, it should be so stated.

7. Use will begin about January 1 and end about December 31, of each year.
Month and Day Month and Day

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) diversion structure from the creek, headgate,
State manner in which water is to be diverted, i.e. diversion structure, ditches and
V-notched Weir, Channel to and between ponds, return flow V-notched Weir
flumes, drilled well with pump and motor, etc.

9. Estimated cost of works.....\$10,000.00

10. Estimated time required to construct works.....2 years

If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use.....3 years

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

This surface water diversion is to be used in conjunction with a well, see Application No. 58798, to maintain a water flow through a 3-pond system. The completed project would be a non-consumptive use for fish habitat and wildlife purposes. The evaporative and percolation losses associated with these ponds will be offset by underground Application No. 58798 and has been calculated to be 19.22 acre feet/year.

By s/Michael D. Buschelman
5405 Mae Anne Avenue
Reno, Nevada 89523

Compared bc/bc jr/vjw

Protested

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to store 19.22 acre-feet of water per annum for fish habitat and wildlife purposes is issued subject to all existing rights on the source. The proof of beneficial use, when filed, must show the maximum amount of water stored and released during any one year. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

A measuring device must be installed at the inlet from Smith Creek and the outlet returning to Smith Creek and a totalizing meter at the point of diversion of Permit 58797. Monthly record shall be kept of the amount diverted at all points and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter. At no time shall the diversion rate at the outlet channel be less than the diversion rate at the inlet channel.

(CONTINUED ON PAGE 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed.....0.20.....cubic feet per second.....

Work must be prosecuted with reasonable diligence and be completed on or before.....December 7, 1996

Proof of completion of work shall be filed before.....January 7, 1997

Application of water to beneficial use shall be filed on or before.....December 7, 1999

Proof of the application of water to beneficial use shall be filed on or before.....January 7, 2000

Map in support of proof of beneficial use shall be filed on or before.....N/A

Completion of work filed.....APR 25 1996

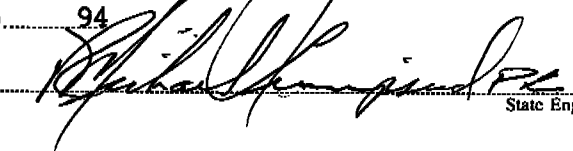
Proof of beneficial use filed.....MAY 16 2001

Cultural map filed.....

Certificate No. 16011 Issued FEB 04 2002

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.
State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this 7th day of December

A.D. 94

State Engineer

(PERMIT TERMS CONTINUED)

The issuance of this permit is subject to Permit 58798 being in good standing and any withdrawal, cancellation or forfeiture of 58798 will result in the cancellation of this permit.

This surface water diversion is to be used in conjunction with the underground well for Permit 58798, to maintain a water flow through a 3-pond system. The completed project is to be a non-consumptive use for fish habitat and wildlife purposes. The evaporative and percolation losses associated with these ponds must be offset by Permit 58798.

